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South Carolina House of Representatives

# Legislative Update

David H. Wilkins, Speaker of the House

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STATE DOCUMENTS

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## CONTENTS

Week in Review ..... 02

House Committee Action ..... 07

Bills Introduced in the House This Week ..... 15

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## WEEK IN REVIEW

### HOUSE

The House of Representatives amended, approved and sent to the Senate H.3141, the "**SOUTH CAROLINA TRUTH IN SENTENCING ACT.**" Under this legislation, a prisoner convicted of a crime and sentenced to the Department of Corrections is not eligible for early release, discharge, or community supervision until the prisoner has served 85% of the actual term of imprisonment imposed. This bill phases out parole, and offenders who commit their crimes after the effective date of this bill will not be eligible for parole release. Act 83 of 1995 provided Truth in Sentencing for only those offenses with maximum possible penalties of twenty years or more. H.3141 extends the provisions of Truth in Sentencing to all crimes except: (1) those punishable by imprisonment in local correctional facilities for ninety days or less; (2) to a sentence imposed pursuant to the Youthful Offender Act, or (3) a sentence involving the Shock Incarceration Program. The bill requires the Department of Corrections to make reasonable efforts to notify the victims, trial judge, solicitor, and sheriff of the county or the law enforcement agency of the jurisdiction where the offense occurred before releasing inmates on work release. Under current law, if the court determines that a prisoner has wilfully violated a term or condition of the community supervision program, the court may impose any other terms or conditions considered appropriate and may continue the prisoner on community supervision, or the court may revoke the prisoner's community supervision and impose a sentence up to one year for violation of the community supervision program. Under H.3141, the court may not impose a period of incarceration exceeding the length of time remaining on the original sentence. The bill establishes a Criminal Justice Commission composed of nineteen members was established.

The House approved and sent to the Senate H.3439, a bill pertaining to the **SOUTH CAROLINA PORTS AUTHORITY BOARD**. This bill provides that a person may not be appointed to, or continue to serve as a member of, the South Carolina Ports Authority Board who is or becomes a member, associate, representative, or employee of a labor union if the principal activities of the union are ports-related.

The House adopted House Resolution H.3686, to express the sense of the House of Representatives that no permanent law, i.e., Part II's, should be included in H.3687, the general appropriations bill for fiscal year 2001-2002, when the bill is under consideration in the House beginning March 12, 2001.

The House amended, approved and sent to the Senate H.3100, a bill that relates to **FRAUDULENT MOTOR VEHICLE AIRBAG REPAIRS**. The legislation provides that a person who knowingly and willfully, with the intent to misrepresent, replaces a motor vehicle's inflatable restraint system with an object which is not designed in accordance with federal safety regulations is guilty of a: (1) misdemeanor and must be imprisoned not more than three years, or fined not more than five thousand



dollars, or both; (2) misdemeanor if a person's bodily injury is attributable to the object, and must be imprisoned not more than four years, or fined not more than seven thousand dollars, or both; or (3) felony if a person's serious bodily injury is attributable to the object, and must be imprisoned for ten years, or fined not more than ten thousand dollars, or both."

The House amended, approved and sent to the Senate **H.3425**, relating to the **FEDERAL EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT**, received a favorable recommendation with amendment from the Judiciary Committee. The federal Emergency Planning And Community Right-To-Know Act (EPCRA) is a program with two main goals: (1) to facilitate and promote planning for chemical emergencies at the state and local levels, and (2) to provide information to the public about the chemicals used, stored, and released in their communities. Under the bill, as amended, the provisions of the EPCRA are incorporated by reference as the law of this State, except that for purposes of South Carolina law, the following is added: An owner operator of a facility receiving hazardous chemicals under the Occupational Safety and Health Act of 1970, and regulations promulgated under that act, for which no previous material safety data sheets have been reported, as otherwise required under this act, shall provide material safety data sheets within three business days after receiving these hazardous chemicals on site. The material safety data sheets may be sent by personal delivery, by mail, by electronic mail, or by fax. Material safety data sheets sent by mail are considered received as of the postmark date.

The House amended, approved and sent to the Senate **H.3309**, the **SOUTH CAROLINA CAMPUS SEXUAL ASSAULT INFORMATION ACT**. The bill requires institutions of higher learning in this State to develop, publish, and implement policies and practices to promote prevention, awareness, and remedies for campus sexual assault. The provisions of the bill also apply to private institutions of higher learning that choose to be governed by this legislation. The bill specifies areas that must be addressed in the policy, including education programs to promote prevention and awareness of sexual assault, possible sanctions following an institution's disciplinary procedure in the event of sexual assault, and procedures a student follows if a sexual assault occurs.

The House amended, approved and sent to the Senate **H.3669**, a bill pertaining to **PALMETTO FELLOWS SCHOLARSHIP PROGRAM ELIGIBILITY**. The bill provides that if a student as a senior in high school was eligible to receive a Palmetto Fellows Scholarship but chose to attend an out-of-state college or university, he again becomes eligible if he transfers to an eligible institution of higher learning after his freshman year at the out-of-state institution and if he achieved at least a 3.0 grade point average on a 4.0 scale for thirty or more credit hours.

The House approved and sent to the Senate **H.3436**, a bill relating to the **RECORDS OF THE LEGISLATIVE AUDIT COUNCIL**. Under current law, all records of the Legislative Audit Council with the exception of its final audit reports are confidential and not subject to public disclosure prior to the publication of the final audit report.

## Legislative Update, March 13, 2001

This bill provides that all records and audit working papers of the Legislative Audit Council are confidential at all times.

The House amended, approved and sent to the Senate **H.3542**, a joint resolution pertaining to **LAPSED EDUCATION IMPROVEMENT ACT FUNDS**. The joint resolution provides that, notwithstanding any other provision of law, any lapsed Education Improvement Act (EIA) funds, to include unexpended appropriated funds or revenue in excess of appropriations in the Education Improvement Act (EIA) fund, in the current fiscal year or in any prior fiscal year must first be used and are authorized to be used by the Department of Education in the following priority order: (1) to offset an official EIA revenue shortfall declared by the Board of Economic Advisors; (2) to fund any school district's appropriation deficit in EIA teacher salary supplement, teacher salary supplement fringe, or National Board Certification Incentives; (3) the remaining lapsed funds must be used in accordance with Section 59-21-420 of the 1976 Code. Furthermore, in the event an official EIA revenue shortfall is declared, funds appropriated for EIA teacher salaries and related fringe benefits in the 2000-2001 general appropriations act are exempt from any reduction required to offset the shortfall.

The House adopted joint resolution **S.207** and ordered it enrolled for ratification. Act 418 of 2000 established a task force to study, make recommendations, and report to the General Assembly on the statutory and constitutional ramifications of various methods for improving and ensuring the **SPEEDY DISPOSITION OF CIVIL CASES IN CIRCUIT COURTS AND MAGISTRATES COURTS**. Act 418 required the task force submit its report to the General Assembly no later than January 18, 2001 and specified that the task force would be dissolved at that time. The task force dissolved, but due to scheduling conflicts the task force did not have an opportunity to meet. This joint resolution reestablishes the task force.

## SENATE

**H.3124**, relating to **LICENSURE REQUIREMENTS FOR COMMUNITY RESIDENTIAL CARE FACILITY ADMINISTRATORS**, was enrolled for ratification. This bill allows the issuance of a license based on a combination of education and experience as established in regulation by the South Carolina Board of Long Term Health Care Administrators.

**S.134** was approved by the Senate and sent to the House. Under this bill, the **MAGISTRATES COURT** must provide forms to facilitate the preparation and filing of a complaint and motion for a restraining order by a plaintiff not represented by counsel. Also under this bill, the court is prohibited from charging a fee for filing a complaint and motion for a restraining order against a person engaged in harassment or stalking.

The Senate approved and sent to the House **S.182**. This bill relates to the sentencing proceeding to determine whether a person convicted of murder should



be sentenced to death, so as to provide that the **MURDER OF A COUNTY DETENTION FACILITY OFFICER** is a statutory aggravating circumstance.

**S.249**, pertaining to **LIMITS ON HUNTING WATERFOWL IN GILLS CREEK WATERSHED**, received third reading from the Senate and was ordered sent to the House. This bill provides that it is unlawful to hunt migratory waterfowl in the Gills Creek watershed in Lancaster County within three hundred yards of a dwelling without written permission of the owner or occupant. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

The Senate gave third reading to **S.320** and ordered the bill sent to the House. This bill revises the funding of the **OPERATION GAME THIEF PROGRAM**, so as to provide for additional funding from the sale of Operation Game Thief paraphernalia. The bill authorizes the expenditure of program funds for reward payments for information leading to the arrest of persons for violations of natural resource laws. The bill also provides that program funds may be expended for operational improvements to the "Property Watch Program", the "Coastal Watch Program", and other programs within the Operation Game Thief Program and to enhance public involvement in the protection of natural resources.

The Senate approved **S.394**, relating to **DISCLOSURES BY COURT-APPOINTED GUARDIANS AD LITEM**, and ordered the bill sent to the House. Whether by consent order or otherwise, under this bill a guardian ad litem appointed by the family court in a custody case must, within fifteen days after receipt of notice of the appointment, provide to each party in the case, on a form approved by Court Administration, written disclosure of the nature, duration, and extent of any and all relationships known to the guardian between: (1) the guardian ad litem and the parties and the parties' attorneys; and (2) the guardian ad litem's family members and the parties and the parties' attorneys. A guardian ad litem who has a relationship with either party or counsel must not accept appointment as guardian without the written consent of both parties. This bill provides that a guardian ad litem's appointment is not effective until the written disclosure is provided to the parties and the parties' attorneys. Upon failure of the guardian ad litem to provide written disclosure of all relationships, either party may petition the court for the removal of the guardian ad litem and for the appointment of a substitute guardian ad litem. The court must remove the guardian ad litem and appoint a substitute guardian ad litem who must also comply with these provisions. However, nothing in this bill limits the contempt powers of the family court.

**S.70** was approved by the Senate and sent to the House. This bill requires the **CODE COMMISSIONER** to annotate in the South Carolina Code of Laws all unpublished federal opinions decided in the district which have been sent to him by the chief federal district judge if these opinions affect the interpretation or invalidations of South Carolina statutes.

The Senate adopted Senate Resolution 401 to express the sense of the Senate that any **GOVERNMENT POLICY OR ACTION TO SUPPRESS PRAYER** is tantamount to a

Legislative Update, March 13, 2001

law prohibiting the free exercise of religion and could, therefore, be unconstitutional.

The House concurred with **S.399**. This concurrent resolution reauthorizes the **AFRICAN-AMERICAN HISTORY MONUMENT COMMISSION** until July 1, 2001 so that the commission may provide for the dedication of the monument and have time to conclude its affairs.

**S.102** relating to **THE PRACTICE OF VETERINARY MEDICINE**, was read for the third time and ordered sent to the House. This bill amends Chapter 69 (Veterinarians) of Title 40 (Professions and Occupations) of the *South Carolina Code of Laws* so as to conform the chapter to the statutory organizational framework of Chapter 1, Title 40 for boards under the administration of the Department of Labor, Licensing and Regulation. The bill further provides for the licensure and regulation of the State Board of Veterinary Medicine.

The Senate approved and sent to the House **S.218**, relating to the **ISSUE OF STATE GENERAL OBLIGATION BONDS**. This bill provides for the methods of advertising the sale of the bonds, to allow the state budget and control board to receive bids for the bonds in a form the board determines, and to allow the private sale of bonds if no bids are received or if all bids are rejected.

**S.398**, relating to inspection by court officials, law enforcement officers, and the Department of Consumer Affairs of **RECORDS MAINTAINED BY PAWNBROKERS**, was approved by the Senate and sent to the House. This bill provides that records and copies of records regarding descriptions of items pawned must be clear and legible. The bill provides that the records must be preserved and made available for a prescribed period of time. The bill also provides for civil fines for violations of record keeping duties.

The Senate gave third reading to **S.413**. This joint resolution exempts from motor vehicle titling, licensing, and registration laws **MOTOR VEHICLES PROVIDED FOR PROMOTIONAL PURPOSES** by an automobile manufacturer in connection with a nationally-sponsored NASCAR racing event held in this state in 2001.

**S.140** was approved by the Senate and sent to the House. This concurrent resolution requests that the South Carolina Area Health Education Consortium when conducting its statewide needs assessment of all health professionals to examine the **PROBLEMS OF THE RECRUITMENT AND RETENTION OF NURSES AND NURSES AIDES** in South Carolina nursing homes and hospitals and to report its findings and recommendations to the General Assembly before January 1, 2002.



## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources, and Environmental Affairs did not meet this week.

### EDUCATION AND PUBLIC WORKS

- The Education and Public Works Committee gave a favorable report to H.3014. This bill requires that a **NONRESIDENT OWNER OR OPERATOR OF A NONREGISTERED MOTOR VEHICLE** must respond to inquiry by the auditor of any county in which public records show the nonresident owns or leases real or personal property, with a sworn written statement which provides specified information about the vehicles owned or operated by the nonresident, and which affirms that the nonresident has not established domicile in the county. The bill provides that violation of this provision is a misdemeanor. The bill also provides that a person who files a false sworn statement or wilfully fails to respond to inquiry from the county auditor is guilty of a misdemeanor and, upon conviction, must be fined not more than \$1,000 or imprisoned not more than one year, or both, and must pay twice the amount all personal property taxes properly due and payable on the vehicle, and other vehicles owned now or earlier, if the vehicle had been registered lawfully pursuant to these provisions, plus penalties and interest.

- The Committee gave a report of favorable with amendment to H.3030:

**AS INTRODUCED:** H.3030 provides that the **SOUTH CAROLINA HALL OF FAME LOCATED AT MYRTLE BEACH CONVENTION CENTER IS THE OFFICIAL STATE HALL OF FAME**. The bill also clarifies that the name of the Law Enforcement Officers Hall of Fame administered as an office of the Department of Public Safety is the "South Carolina Law Enforcement Officers Hall of Fame" rather than the "South Carolina Hall of Fame."

**AS AMENDED:** The Committee amended H.3030 so as to clarify that references to the "South Carolina Law Enforcement Hall of Fame", "Hall of Fame", or "Hall", as contained in certain specified sections of the *South Carolina Code of Laws* shall be construed to mean the "South Carolina Law Enforcement Officers Hall of Fame" administered by the Department of Public Safety, and the Code Commissioner is directed to correct all references therein to correctly reflect this name.

- The Committee gave a report of favorable with amendment to H.3529:

**AS INTRODUCED:** For purposes of the **SOUTH CAROLINA TUITION PREPAYMENT PROGRAM ACT, H.3529** amends the definition of "tuition" to mean registration or matriculation, credit-hour charges, and mandatory college fees, including athletic or activity, medical or infirmary and capital improvement fees, imposed by a public higher education institution in this State as a condition of enrollment of all full-time, undergraduate students regardless of class." (The current definition for "tuition" is "the credit hour charges imposed by a public higher education institution in this State and all mandatory fees required as a condition of enrollment of all students.")

The bill also clarifies that "tuition" **does not include** the expenses for student housing, meal plans, books, class or lab supplies and equipment, uniforms and laundry, transportation, course-specific fees, or any other fees or charges the program did not consider in determination of the annual contracting pricing structure.

The bill also provides that the Program's funds, including any right of refund or any other right accrued by a person in the fund is exempt from legal process and is unassignable.

**AS AMENDED:** The Committee amended **H.3529** so as to provide that the definition of "tuition" is for the purposes of this bill only.

- The Committee gave a report of favorable with amendment to **H.3533:**

**AS INTRODUCED:** Under the **EDUCATION ACCOUNTABILITY ACT, THE COMMISSIONER ON HIGHER EDUCATION IS CURRENTLY REQUIRED TO SUBMIT AN ANNUAL REPORT** to the Governor and to the General Assembly. Included in that report is certain specified information from each four-year, post-secondary institution in the state. **H.3533**, as introduced, adds further information which must be submitted by these institutions for inclusion in the Commissioner's annual report. Specifically, this additional information includes: survey information from school districts obtained from the Department of Education pertaining to graduates from teacher preparation programs to include school district satisfaction ratings and graduates' knowledge of their content and the South Carolina academic standards; ability to teach effectively to the state standards, and proficiency in assessing the progress of students toward meeting the state standards. The bill also clarifies that the currently-required "appropriate information relating to each institution's role and mission" shall include policies and procedures to ensure that academic programs support the economic development needs in the State by providing a technologically skilled workforce.

**AS AMENDED:** The Committee amended **H.3533** by deleting the provision which requires that the Department of Education survey information must be submitted by the State's four-year, post-secondary institutions to the Commission on Higher Education for inclusion in the Commission's Annual



Report. The Committee replaced that provision with a requirement that these post-secondary institutions must instead submit assessment information for the institutions' **TITLE II OF THE HIGHER EDUCATION ACT OF 1998** that collects and analyzes data on the applicant qualifications and the performance of the candidates and graduates.

- The Committee gave a report of favorable with amendment to **H.3534**.

**AS INTRODUCED:** **H.3534** provides that South Carolina's **PUBLIC COLLEGES AND UNIVERSITIES WITH TEACHER EDUCATION PROGRAMS SHOULD MAKE THE PREPARATION OF TEACHERS A FUNDAMENTAL PART OF THE INSTITUTION'S MISSION**, and should allocate resources to support this mission and to support professional development programs for practicing teachers and teacher education faculties to include technology training. Also, the bill provides that these institutions should give greater attention to attracting diversity in race and ethnicity in faculty and students; that all teacher education programs should strengthen alliances with K-12 education and with the business community, and critical workforce skills should be integrated into content and methods courses; and teacher education faculties should provide teacher candidates with a variety of effective teaching practices to ensure the state's diverse student population achieve at high levels of learning.

**AS AMENDED:** The Committee amended **H.3534** by deleting language which states that the provisions of the bill relate to publicly supported institutions which are acting through guidelines adopted by the Commission on Higher Education.

- The Committee gave a favorable recommendation to **H.3485**, which provides for **SPECIAL LICENSE PLATES FOR MAYORS OF THIS STATE**.
- The Committee gave a report of favorable with amendment to **H.3386**. This bill revises current law regarding the organization, operation, and governance of **CHARTER SCHOOLS IN SOUTH CAROLINA**.

**AS INTRODUCED,** the bill includes, but is not limited to, the following revisions:

- Deletion of the current requirement that a charter school's enrollment may not differ from the **racial composition** of the school district by more than ten percent, and deletion of the current requirement that the charter school application shall describe how the school plans to ensure that its enrollment is similar to the racial composition of the school district; the bill adds a provision requiring that the application must include assurance that the school **does not conflict with any school district desegregation plan** or order in effect;

## Legislative Update, March 13, 2001

- A provision that an applicant for a charter school shall seek sponsorship of its charter from, and apply to, the **State Board of Education** rather than the local school board, as is currently required. The bill provides that the local board may offer recommendations to the applicant or to the State Board, and the State Board shall approve or deny the application within ninety days after receipt of the application. The bill provides that the State Board's action is final, subject to judicial review. Also, students who appeal denial of admission would appeal to the State Board of Education rather than to the school board. The bill shifts the majority of powers and responsibilities related to charter schools, from the local school board to the State Board of Education.
- Revision of the requirements for a "**noncertified teacher**" to teach in a charter school, so as to require completion of at least one year of study at an accredited college or university, and so as to require state fingerprint review. Currently, there are no fingerprinting or college study requirements for a noncertified teacher to teach in a charter school. Currently, they need only be considered "appropriately qualified" for the subject matter taught, and approved by the charter committee;
- Addition of a provision that a **certified teacher** in a charter school must be currently certified, or must currently meet the qualifications outlined in the *Interstate Agreement on Qualification* and must undergo state fingerprint review;
- Revision of the definition of "**charter committee**" so as to provide that the charter committee governs the charter school only through the application process and until the election of a board of directors is held. After the election, the **board of directors** of the corporation must be organized as the governing body and the charter committee is dissolved. Currently, the charter committee is the board of directors;
- Addition of a requirement that in either a new or converted charter school, teachers teaching in **specified core academic areas** must be certified in those areas or possess a baccalaureate or graduate degree in the subject he or she is hired to teach;
- Addition of a requirement that a charter school must hire in its discretion **administrative staff** to oversee the daily operation of the school, and at least one of the administrative staff must be certified in the field of school administration;
- Revision of the charter school **approval/renewal period** from the current three school years to five school years, and revision of the current provision allowing **revocation or non-renewal of a charter** for



## Legislative Update, March 13, 2001

specified reasons, so as to require revocation or non-renewal of the charter for these reasons.

- Addition of a provision that children of the charter committee may receive enrollment priority provided their enrollment does not constitute more than 25% of the total school enrollment, and addition of a provision that enrollment priority must be given to children enrolled in a school at the time the school converts to a charter school.
- Addition of a provision that a child who resides in a school district other than the one where a charter school is located may attend a charter school outside his district of residence, and the charter school to which the child transfers is eligible for state and federal funding as provided under current charter school provisions;
- Addition of a provision that, although the school district in which the charter school is located has no obligation to provide **extracurricular activities** or access to facilities of the school district for the charter school's students, a charter contract may include participation in agreed upon interscholastic activities at a designated school if agreed upon by the local school district board for the district in which the charter school is located;
- Addition of a provision that if a school district declares a **building surplus** and chooses to sell or lease the building, a charter school's board or a charter committee operating or applying within the district must be given first refusal to purchase or lease the building pursuant to the same terms and conditions it would be offered to the public.

### **AMENDMENTS TO H.3386 APPROVED BY THE COMMITTEE INCLUDE:**

- Providing that an **EXISTING SCHOOL WHICH IS CONVERTED INTO A CHARTER SCHOOL** would apply to the local school board of trustees rather than the State Board of Education, and the local board would be empowered to grant, deny, refuse to renew, or revoke a charter for a conversion charter school. This amendment also provides that an applicant may appeal the local board's decision to the State Board of Education, provides the procedure for such an appeal process, and provides that the State Board's final decision may be appealed by any party to the circuit court.
- As introduced, the bill provides that "an applicant for a charter school shall seek sponsorship of its charter from the State Board of Education." The Committee amended this provision by providing that **APPLICANTS SHALL SEEK SUCH SPONSORSHIP BEGINNING JULY 1, 2002, AND THE STATE BOARD SHALL HAVE THE AUTHORITY TO APPROVE UP TO 25 CHARTER SCHOOLS.** The amendment provides

that if the state reaches the maximum of 25 charter schools, the State Board may request from the General Assembly an increase to that total.

- The Committee tabled **H.3388**, which requests the Department of Transportation to study whether the **PLACEMENT OF MEMORIALS THAT MARK AREAS WHERE FATAL ACCIDENTS HAVE OCCURRED** along the state's highways constitutes road hazards or promotes safe driving practices.

## JUDICIARY

The Judiciary Committee gave a favorable report to **H.3436**, a bill relating to the **RECORDS OF THE LEGISLATIVE AUDIT COUNCIL**. Under current law, all records of the Legislative Audit Council with the exception of its final audit reports are confidential and not subject to public disclosure prior to the publication of the final audit report. This bill provides that all records and audit working papers of the Legislative Audit Council are confidential at all times.

**S.207** received a favorable recommendation from the Judiciary Committee. Act 418 of 2000 established a task force to study, make recommendations, and report to the General Assembly on the statutory and constitutional ramifications of various methods for improving and ensuring the **SPEEDY DISPOSITION OF CIVIL CASES IN CIRCUIT COURTS AND MAGISTRATES COURTS**. Act 418 required the task force submit its report to the General Assembly no later than January 18, 2001 and specified that the task force would be dissolved at that time. The task force dissolved, but due to scheduling conflicts the task force did not have an opportunity to meet. This joint resolution reestablishes the task force.

The Judiciary Committee gave a favorable report with amendment to **H.3048**, which enacts the **"SOUTH CAROLINA RELEASED TIME FOR RELIGIOUS AND CHARACTER EDUCATION ACT OF 2001."** As introduced, this bill authorizes school trustees, under circumstances prescribed in the bill, to adopt policies authorizing a student to be excused from school to attend a class in religious or character instruction conducted by a private entity. The introduced version of the bill provides that a student is not considered to be absent from school while attending such classes and is responsible for making up any missed schoolwork. The Judiciary Committee's proposed amendment is a strike-all amendment; therefore, if adopted the proposed amendment would become the actual bill.

Under the Judiciary Committee's proposed amendment to **H.3048**, the stated purpose of this bill is to incorporate a constitutionally acceptable method of allowing religious instruction to the state's public school students during the school day in released time programs that do not involve the expenditure of public funds to implement the programs.



Under the Judiciary Committee's proposed amendment to **H.3048**, the school district board of trustees may adopt a policy that authorizes a student to be excused from school to attend a class in religious instruction conducted by a private entity if: (1) the student's parent or guardian gives written consent; (2) the sponsoring entity maintains attendance records and makes them available to the public school the student attends; (3) transportation to and from the place of instruction, including transportation for students with disabilities, is the complete responsibility of the sponsoring entity, parent, or guardian; (4) the sponsoring entity makes provisions for and assumes liability for the student who is excused; and (5) no public funds are expended and no public school personnel are involved in providing the religious instruction.

The Judiciary Committee's proposed amendment to **H.3048** provides that a student is not considered to be absent from school while attending religious classes, and the student is responsible for making up any missed schoolwork.

The Judiciary Committee's proposed amendment to **H.3048** allows a school district board of trustees to award high school students an appropriate number of elective Carnegie units for the completion of released time classes in religious instruction if:

- (1) for the purpose of awarding elective Carnegie units, the released time classes in religious instruction are evaluated on an entirely secular basis that is substantially the same basis used to evaluate similar classes at established private high schools for the purpose of determining whether a student transferring to a public high school from a private high school will be awarded elective Carnegie units for such classes; and
- (2) the decision to award elective Carnegie units is neutral with regard to, and does not involve any test for, religious content or denominational affiliation.

**H.3286**, relating to **SERVICE CHARGES FOR DRAWING FRAUDULENT CHECKS OF ONE HUNDRED DOLLARS OR LESS**, received a favorable report from the Judiciary Committee. This bill increases the service charge for drawing fraudulent checks of \$100 or less from \$25 to \$30.

The Judiciary Committee gave a favorable report with amendment to **H.3403**. This bill relates to the **DISPOSITION OF CERTAIN PROPERTY OR MONIES BY A SHERIFF, CHIEF OF POLICE, OR THEIR DESIGNEE**. As introduced, the bill authorizes a sheriff's designee or chief of police's designee to sell an abandoned vehicle at a public auction. Under the Judiciary Committee's proposed amendment, the sheriff, chief of police, or their designee may turn over all proceeds of the sale of stolen or abandoned property to the county or municipal treasurer. Also under the Judiciary Committee's proposed amendment the designee of a sheriff, or designee of a chief of police, is authorized to sell certain vehicles at public auction seized from a person convicted of driving with a suspended driver's license, or driving under the influence of alcohol, drugs, or a combination of both substances.

The Judiciary Committee gave a favorable recommendation to **S.235**, which pertains to **VIDEOTAPING PUBLIC MEETINGS**. Current law allows all or any part of a meeting of a public body to be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction, except when a meeting is closed. This bill would allow individuals to videotape the meeting.

## LABOR, COMMERCE AND INDUSTRY

The full Labor, Commerce and Industry Committee met on Tuesday, March 6, and reported out three bills. The Committee gave a report of favorable with amendment to **H.3465**, a bill **PROHIBITING THE UNAUTHORIZED CHANGE OF A CUSTOMER'S UTILITY PROVIDER**, a practice commonly referred to as "slamming." The Committee approved an amendment that replaces the language of the bill. The legislation approved by the Committee provides that utilities (telephone, water, electric, etc.) whose customers can choose providers may not change a customer's utility provider without obtaining the customer's authorization according to the marketing or anti-slamming guidelines specified in the legislation. A utility that violates the provisions is liable to the customer for all charges incurred by the customer, in excess of those normally incurred through his designated provider, during the period of the unauthorized change. A utility that wilfully or knowingly violates the provisions is subject to a fine of not less than two thousand dollars nor more than ten thousand dollars for each violation. The fines are assessed by and must remain with the Public Service Commission. The legislation exempts from liability utilities acting as third parties such as local telephone companies that only administer changes in providers, and do not initiate them.

The Committee gave a report of favorable with amendment on **H.3366**, a bill pertaining to **APPRAISAL FEES ON VACATION TIME-SHARING UNITS**. The legislation approved by the Committee prohibits the seller of an interest in a vacation time-sharing unit from charging, as one of the purchase transaction fees, an appraisal fee. Instead, the legislation allows the vacation time-share business may charge the owner a commission or marketing fee at the time of sale. A violation constitutes an unfair trade practice, and a violator is subject to a civil penalty not to exceed five thousand dollars per violation, and/or an injunction can be instituted.

The Committee gave a report of favorable with amendment on **H.3515**, a bill pertaining to the regulation of the **FUNERAL SERVICE PROFESSION**. The legislation approved by the Committee provides that a nonresident embalmer or funeral home director may be licensed in this State if the licensure requirements in his state are substantially similar to South Carolina's requirements. In instances where the requirements of another state are not substantially similar, five years of practice and passage of an examination is required for licensure in this State. The legislation establishes and defines permit requirements for retail sales outlets of funeral merchandise. The legislation codifies existing permit requirements for funeral homes, branch funeral homes, and crematories. The legislation prohibits soliciting the sale of funeral merchandise and clarifies other prohibitions. The legislation



provides that all funeral directors and embalmers serving on the South Carolina State Board of Funeral Service must be actively employed or actively engaged in the funeral service profession.

## **MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

The full Medical, Military, Public and Municipal Affairs Committee did not meet this week.

## **WAYS AND MEANS**

The full Ways and Means Committee did not meet this week. However, Ways and Means Committee members and staff provided a budget briefing to all House standing committees.

## **BILLS INTRODUCED IN THE HOUSE**

### **AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS**

#### **S.249 LIMITS ON HUNTING WATERFOWL IN GILLS CREEK WATERSHED**

**Sen. Gregory**

This bill provides that it is unlawful to hunt migratory waterfowl in the Gills Creek watershed in Lancaster County within three hundred yards of a dwelling without written permission of the owner or occupant. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

#### **S.320 OPERATION GAME THIEF PROGRAM Sen. Gregory**

This bill revises the funding of the Operation Game Thief program, so as to provide for additional funding from the sale of Operation Game Thief paraphernalia. The bill authorizes the expenditure of program funds for reward payments for information leading to the arrest of persons for violations of natural resource laws. The bill also provides that program funds may be expended for operational improvements to the "Property Watch Program", the "Coastal Watch Program", and other programs within the Operation Game Thief Program and to enhance public involvement in the protection of natural resources.

#### **H.3680 OPEN SEASON FOR ANTLERED DEER IN GAME ZONE 4**

**Rep. Davenport**

This bill provides that in Game Zone 4 the open season for antlered deer is: September first through September fifteenth, with archery equipment only;

September sixteenth through September twenty-sixth, with primitive weapons only; September twenty-seventh through January first, with archery equipment and firearms; Sundays excepted.

## EDUCATION AND PUBLIC WORKS

### **S.187 CHILD PASSENGER RESTRAINT SYSTEM Sen. Rankin**

This bill relates to the use of a child passenger restraint system in a motor vehicle that transports a child under the age of six years. The bill requires that: a child from birth to twenty pounds and one year of age must be properly secured in a rear facing child safety seat; a child who is between twenty pounds and one year of age to forty pounds and age four must be secured in a forward facing child safety seat; a child up to six years of age who is between forty and eighty pounds must be secured by a belt-positioning booster seat. The belt positioning booster seat must be used with both lap and shoulder belts; a booster seat cannot be used with a lap belt alone. If a child up to the age of six years is over eighty pounds, the child may be restrained in an adult seat belt. If a child under the age of six years can sit with his/her back straight against the vehicle seat back cushion, with knees bent over the vehicle's seat edge without slouching, the child may be moved out of the booster seat into the regular back seat and secured by the adult seat belt.

### **H.3678 TEMPORARY MOTOR VEHICLE LICENSE PLATES Rep. Rice**

This bill requires that a motor vehicle dealer must issue to a purchaser at the time of sale a temporary license plate that may contain the dealer's name and location and must contain, in characters of specified size, the expiration date of the period within which the purchaser is required to register the vehicle. The bill provides requirements for the paper, ink, and design for the temporary plate.

The bill requires that a person obtaining a motor vehicle from a person other than a dealer must apply to the Department of Public Safety (DPS) for an interim license plate and registration card within five days of obtaining the vehicle, unless the person is transferring a plate to another vehicle which he or she owns. The bill provides information which must be printed on the interim plate, and allows DPS to charge five dollars for the plate.

The bill provides that a person who operates a vehicle in violation of these provisions is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars.

Current law allows dealers to display on vehicles which they sell a "sold" card to indicate to law enforcement officers that the vehicle is being operated upon the highway pursuant to a specified section of law which allows persons newly acquiring a vehicle thirty days in which to register and license the vehicle.



## JUDICIARY

### **S.70 DUTIES OF THE CODE COMMISSIONER Sen. Hayes**

This bill requires the Code Commissioner to annotate in the South Carolina Code of Laws all unpublished federal opinions decided in the district which have been sent to him by the chief federal district judge if these opinions affect the interpretation or invalidations of South Carolina statutes.

### **S.134 FILING FEE FOR A COMPLAINT OR MOTION FOR A RESTRAINING ORDER AGAINST A PERSON ENGAGED IN HARASSMENT OR STALKING Sen. Holland**

Under this bill, the magistrates court must provide forms to facilitate the preparation and filing of a complaint and motion for a restraining order by a plaintiff not represented by counsel. Also under this bill, the court is prohibited from charging a fee for filing a complaint and motion for a restraining order against a person engaged in harassment or stalking.

### **S.135 PSYCHOTHERAPISTS, ALCOHOL AND DRUG ABUSE COUNSELORS, AND CERTAIN CONFIDANTS Sen. Holland**

This bill provides that it is unlawful for any psychotherapist, alcohol and drug abuse counselor, or confidant to engage in sexual contact with a patient if (1) the patient is currently under the care or supervision of the psychotherapist, alcohol and drug abuse counselor, or confidant or (2) the patient was under the care or supervision of the psychotherapist, alcohol and drug abuse counselor, or confidant within the last three years, and the sexual contact occurred by means of therapeutic deception. Under the bill, sexual contact with a patient is a felony punishable by imprisonment for not more than ten years. Sexual battery with a patient is a felony punishable for not more than thirty years. The bill further provides that consent of the patient is not a defense.

### **S.182 AGGRAVATING CIRCUMSTANCES FOR MURDER Sen. Hawkins**

This bill relates to the sentencing proceeding to determine whether a person convicted of murder should be sentenced to death, so as to provide that the murder of a county detention facility officer is a statutory aggravating circumstance.

### **S.394 DISCLOSURES BY COURT-APPOINTED GUARDIANS AD LITEM Senate Judiciary Committee**

Whether by consent order or otherwise, under this bill a guardian ad litem appointed by the family court in a custody case must, within fifteen days after receipt of notice of the appointment, provide to each party in the case, on a form approved by Court Administration, written disclosure of the nature, duration, and extent of any and all relationships known to the guardian between: (1) the guardian ad litem and the parties and the parties' attorneys; and (2) the guardian ad litem's family members and the parties and the parties' attorneys. A guardian ad litem who has a relationship with either party or counsel must not accept appointment as guardian without the written consent of both parties.

This bill provides that a guardian ad litem's appointment is not effective until the written disclosure is provided to the parties and the parties' attorneys. Upon failure of the guardian ad litem to provide written disclosure of all relationships, either party may petition the court for the removal of the guardian ad litem and for the appointment of a substitute guardian ad litem. The court must remove the guardian ad litem and appoint a substitute guardian ad litem who must also comply with these provisions. However, nothing in this bill limits the contempt powers of the family court.

**H.3360 INCREASED FEES FOR A TEMPORARY ALCOHOL RESTRICTED LICENSE AND SPECIAL RESTRICTED DRIVER'S LICENSE** Rep. White

Currently, the fee for a temporary alcohol restricted license is thirty dollars, and twenty-five dollars of the fee must be retained by the department for supplying and maintaining all necessary vehicle videotaping equipment. Under this bill, the fee would be increased to one hundred dollars. The Department of Public Safety must retain the remaining seventy-five dollars.

Currently, if a suspension is upheld in an administrative hearing, the person may apply for a special restricted driver's license if he or she is employed or enrolled in a college or university. Current law provides that the fee for each special restricted driver's license, including a reissue caused by changes in the place and hours of employment, education, or residence is twenty dollars. Under this bill, the fee would be one hundred dollars. Twenty dollars of this fee must be deposited in the state general fund and eighty dollars must be retained by the Department of Public Safety.

**H.3361 INCREASED FEES FOR A SPECIAL RESTRICTED DRIVER'S LICENSE** Rep. White

This bill relates to the suspension of a person's driver's license due to a conviction for a controlled substance violation and the issuance of a special restricted driver's license under certain circumstances. Currently, the fee for each special restricted driver's license, including a reissue caused by changes in the place and hours of employment, education, or residence is twenty dollars. Under this bill, the fee would be one hundred dollars. Twenty dollars of this fee must be deposited in the state general fund and eighty dollars must be retained by the Department of Public Safety.

**H.3362 INCREASED FEES FOR A SPECIAL RESTRICTED DRIVER'S LICENSE** Rep. White

This bill relates to the suspension of a person's driver's license for offenses relating to the possession, sale, and consumption of beer, wine, and alcohol, or for unlawful use or alteration of a driver's license, and the issuance of a special restricted driver's license to a person under certain circumstances. Currently, the fee for each special restricted driver's license, including a reissue caused by changes in the place and hours of employment, education, or residence is twenty dollars. Under this bill, the fee would be one hundred dollars. Twenty dollars of this fee must be deposited in the state general fund and eighty dollars must be retained by the Department of Public Safety.



**H.3364 NOTIFICATION OF THE PUBLIC AND PARENTS OF SCHOOL INCIDENTS** Rep. Scarborough

This bill provides that when law enforcement authorities are summoned to a school to respond to reports of criminal activity where students are potential victims of the criminal activity subjecting them to possible serious bodily injury or death, school officials must notify the public and the parents or guardians of the students involved, through appropriate media outlets, of this situation within thirty minutes of summoning law enforcement authorities. Criminal activity includes, but is not limited to, bomb threats, random shootings, or violence directed at students.

This bill further provides that where written communications are regularly made by a school to parents through such devices as newsletters, a report of the incident also must be included in the next edition following the incident.

**H.3668 DOCUMENTS AND RECORDS OF AND INCIDENTAL TO AN AUTOPSY** Rep. Jennings

This bill relates to matters exempt from disclosure for purposes of the Freedom of Information Act; this bill exempts all documents and records of and incidental to an autopsy.

**H.3673 FILLING VACANCIES IN THE OFFICE OF UNITED STATES SENATOR** Rep. Limehouse

This bill relates to the manner of filling vacancies in the office of United States senator. Under this bill, the governor may fill the vacancy by appointment of a person who has (1) declared himself or herself to be a member of the same political party as the immediately preceding senator who vacated the office, and (2) declared his or her intention in such affidavit to serve in the office as a member of that political party.

**H.3677 WORTHLESS CHECK UNIT OF THE CIRCUIT SOLICITOR'S OFFICE AND DEFERRED PROSECUTION FOR ISSUING A FRAUDULENT CHECK** Rep. W.D. Smith

This bill allows a circuit solicitor to establish a special services division. A section of the special services division of each circuit solicitor's office may be organized as a worthless check unit, with sufficient staff and resources effectively to operate the unit. The worthless check unit of the special services division of the circuit solicitor's office is created for the purpose of processing worthless checks.

After complying with the certain statutory provisions, a party holding a worthless negotiable instrument may present a 'complaint' to the worthless check unit of the special services division of the circuit solicitor's office. The complaint must be evaluated by the worthless check unit, under the direction of the solicitor, to determine whether or not the complaint is appropriate to be processed by the worthless check unit based on certain guidelines.

After approval of the complaint and issuance of a warrant, the warrant may be held by the worthless check unit. The unit shall forward a notice, by certified mail return receipt requested, to the accused that a warrant has been issued for his arrest. The

notice must inform the accused that he may be eligible for deferred prosecution by voluntarily surrendering to the worthless check unit within ten business days from the date of the receipt of the notice. Upon voluntary surrender, the accused must be presented with the warrant and prosecution may be deferred upon payment to the worthless check unit of restitution and the service charge for processing the check. The unit may allow the accused to sign a restitution agreement which must contain the terms by which the restitution and service charge must be paid. If the accused does not voluntarily surrender or if no restitution is paid nor restitution agreement entered into, or if the accused does not comply with the restitution agreement, the violation must be prosecuted in accordance with applicable laws and procedures.

All fees or charges, other than court costs, collected by the worthless check unit in accordance with this section must be paid to the county treasurers of the counties comprising the circuit, on a pro rata basis, into a fund known as the worthless check fund. Sixty-five percent of funds collected under this legislation must be used and expended by the circuit solicitor to defray the reasonable expenses incurred by the office of the solicitor. The treasurers of the counties shall make disbursements of the funds upon requisition of the solicitor except that this item must not reduce the amount budgeted to the solicitor otherwise. Thirty-five percent of the funds collected pursuant to this legislation must be used by the counties for the reasonable expenses incurred in the administration of this deferred prosecution program. All of the funds collected but undistributed pursuant to restitution must be deposited on a pro rata basis in the general funds of the counties comprising the circuit, and must be expended only for the reasonable and necessary expenses of law enforcement.

**H.3679 CHILD CUSTODY AND VISITATION DISPUTES Rep. J.E. Smith**

This bill provides that the best interests of the child is the guiding principle in resolving child custody and visitation disputes. The bill further provides that the best interests of the child are served when the child's relationship with each parent is equally promoted and encouraged. Under this bill, the court must strive to equalize each parent's time with and opportunities to be involved in the child's life. Also, the bill provides that joint custody is not required nor may visitation awarded in accordance with this legislation be construed as joint custody.

**H.3682 TRAINING AND CERTIFICATION REQUIREMENTS FOR MEMBERS OF A COUNTY REGISTRATION BOARD, A COMBINED ELECTION AND REGISTRATION COMMISSION, OR A COUNTY ELECTION COMMISSION Rep. Kelley**

Under this bill, failure by a member of a county registration board, a combined election and registration commission, or a county election commission to complete or make satisfactory progress toward completing the mandatory training and certification requirements applicable to these officials constitutes neglect of duty for which the member must be removed from office by the governor. The bill requires the State Election Commission to report to the governor and the legislative delegation or other recommending authority the progress of each of these officials toward completion of these training and certification requirements.



## LABOR, COMMERCE, AND INDUSTRY

### **H.3665 CAPTIVE REINSURANCE COMPANIES Rep. Cato**

This bill authorizes captive reinsurance companies and provides for their licensure and regulation.

### **H.3671 TELEPHONE SOLICITATIONS Rep. Snow**

This bill provides for the "Do Not Call Registry" authorizing the Department of Consumer Affairs to establish a database of residential telephone subscribers who object to receiving certain telephone solicitations. The bill provides for the operation of the database by the department, and provides for fees for maintaining the database that are to be charged to residential telephone subscribers who apply to be included in the database and to persons accessing it. The legislation provides for civil penalties for telephone solicitors who call telephone numbers on the registry more than once in a twelve-month period. The bill makes provisions define responsibilities of enforcement and limit liability for errors or omissions in the database. The bill provides that database information is exempt from disclosure under the Freedom of Information Act.

## WAYS AND MEANS

### **H.3663 FEDERAL ESTATE TAX CREDITS Rep. Wilkins**

This bill revises the definition of "federal credit" for purposes of the South Carolina Estate Tax Act. Currently, "federal credit" means the maximum amount of the credit for state death taxes allowable by Internal Revenue Code Section 2011, and "maximum amount" must be construed so as to take full advantage of the credit as allowed by the Internal Revenue Code. This bill provides that "maximum amount" must be construed so as to take full advantage of the credit as allowed by Internal Revenue Code Section 2011, but only after taking into account other federal estate tax credits permitted by the Internal Revenue Code and not in excess of the amount necessary to reduce the federal estate tax to zero.

### **H.3666 CONSTITUTIONAL AMENDMENT RE PROPERTY TAX Rep. McLeod**

This joint resolution proposes an amendment to the South Carolina Constitution relating to the classification of property and applicable assessment for purposes of property tax. The proposed amendment would delete the specific limit of ten shareholders as the most shareholders a corporation may have to be eligible for a four percent assessment ratio on its agricultural real property. The proposed amendment would further provide that the General Assembly shall provide by law the maximum number of shareholders a corporation may have to be eligible for this ratio. (See H.3667, below.)

### **H.3667 PROPERTY CLASSIFICATION AND ASSESSMENT Rep. McLeod**

This bill, effective upon ratification of H.3666 (see above), would increase from ten percent to seventy-five percent the maximum number of shareholders a corporation

may have to be eligible for the four percent assessment ratio on its agricultural real property.

**H.3670 "JOINT AGENCY ACT" Rep. McLeod**

With a stated intent of providing governmental services as efficiently and inexpensively as possible, this bill empowers, and provides a mechanism for, political subdivisions of the State to create joint agencies to provide by resolution or ordinance for joint exercise of powers, joint administration of functions, and sharing of costs.

The bill delineates findings, one or more of which must be included in the ordinance, relating to: the proposed joint agency's ability to perform more efficiently and economically than would its members operating individually; the proposed joint agency's ability to undertake an activity or project which one or more of its members otherwise would be unable to undertake acting individually; the proposed joint agency's ability to finance a project more efficiently than would an individual joint agency member; fiscal savings and other certain advantages that could be obtained by a joint agency.

The bill includes notice requirements for a governmental entity once it has adopted such a resolution or ordinance and includes provisions for a person affected by the ordinance or resolution to challenge the adoption.

The bill also includes provisions for governmental entities to appoint representatives to the joint agency and provides that after all representatives are appointed, the joint agency shall file an application with the Secretary of State. The bill delineates information which must be included in the application and the bill outlines requirements for the Secretary of State pursuant to the filing of the application. The bill also includes provisions for subsequent amending of the application.

The bill provides that management and control of the joint agency is vested in a board of directors, and the bill provides for the appointment or election of the board members, their terms of office, their officers, board procedures, and the procedure for filling board vacancies. Included in the board of directors' authority is the right to apply for, enter into contracts for, and accept federal and state government grants and loans for certain purposes.

The bill also includes provisions relating to the addition of another governmental entity after a joint agency is created, relating to a governmental entity's withdrawal from a joint agency, and relating to dissolution of the joint agency.

The bill outlines the rights and powers of the joint agency, including but not limited to, the authority to incur debt and to issue bonds for the purpose of paying all or part of the cost of the purposes authorized in the bill.

The bill provides that joint agency personnel appointed or employed by a joint agency member have the same authority, rights, privileges, and immunities as the



officers, agents, and employees of the appointing member; and joint agency personnel employed or appointed directly by a joint agency may participate in the South Carolina Retirement System if they are South Carolina residents, with the same right, privileges, obligations, and responsibilities as if they were employees of a governmental entity.

The bill includes provisions requiring joint agencies to submit annual reports and to have an audit of its books at least once a year.

**H.3676 *PROPERTY TAX ON CERTAIN LEASED VEHICLES* Rep. Bowers**

This bill provides that the lessee of a motor vehicle who assigns the lease or surrenders the leased vehicle to the lessor is eligible for a credit or refund on property taxes paid if the terms of the lease made the lessee primarily liable for the property tax and the lessee in fact paid the tax.

**H.3681 *OPTIONAL RETIREMENT PROGRAM* Rep. Kelley**

This bill repeals, effective July 1, 2002, the Optional Retirement Program for publicly-supported four-year and postgraduate institutions of higher education, and extends eligibility in the Optional Retirement Program for Teachers and School Administrators to state employees, including employees of two and four-year state supported institutions of higher education and technical colleges. The bill increases from four and one quarter to five percent of compensation, the minimum employer contribution under the optional retirement program for publicly-supported four-year and postgraduate institutions of higher education.

**H.3683 *STATE AND SCHOOL DISTRICT EMPLOYEE INSURANCE* Rep. Kelley**

This bill requires annual State Budget and Control Board approval of the next calendar year's plan of benefits, eligibility, and contributions relating to insurance for state employees and school district employees by August 15 preceding the calendar year, rather than by October 1, as currently provided.

**H.3684 *"PALMETTO FELLOWS SCHOLARSHIP FREEDOM OF CHOICE ACT"* Rep. Campsen**

This bill provides that beginning with awards for school year 2001-02, Palmetto Fellows Scholarship Funds shall not be allocated to individual higher education institutions or between public and independent institutions but instead shall be awarded from funds provided for this scholarship by the General Assembly to students based on academic criteria established by the Commission on Higher Education. The bill provides that these students may then use these scholarship funds to attend any institution of higher learning in this State.

The bill further provides that funds allocated for Palmetto Fellows Scholarships to South Carolina independent and public institutions shall be combined together and used as provided above.

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## LEGISLATIVE UPDATE

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